

**OPINION
50-24**

April 10, 1950 (OPINION)

CITIES

RE: Service Charge for Sewer

Your letter of the 7th inst. re service charge for sewer accommodations has been received and referred to my desk.

You state that your city has decided to make a service charge of 50 cents on all private homes and \$1.00 on all business houses for sewer accommodations. We presume that this charge is made monthly.

This charge is made, apparently, to pay cost of repairs and upkeep of your sewer system.

It is our opinion that this charge is a lawful charge, and that the city may lawfully make a reasonable charge on patrons for these accommodations for the above purposes.

You ask further whether or not the city can discontinue water service in case this sewer service charge is not paid. We do not wish to give any final opinion on this question, as we have not been able to find any specific statutory authority upon the subject. However, we believe that such is the custom among cities in North Dakota to insure prompt payment of water charges, and we see no reason for any different rule in the case of sewer charges.

WALLACE E. WARNER

Attorney General